

Claim 1 is directed to an image down-loading apparatus capable of down-loading an image to a plurality of clients via internet. The apparatus includes (1) a switch adapted to switch between a first output device which outputs an image and a second output device which outputs an advertisement that is different from an image picked up by a connected camera; and (2) a switch controller adapted to control the switch. The switch controller controls the switch so as to select the second output device for a first predetermined period after the first output device is selected for a second predetermined period, such that the advertisement is inserted into the image output from the first output device. In other words, as claimed, insertion of advertisement from the second output device into the image output from the first output device is performed vis-à-vis a switching operation between the first and second output devices.

Acosta is directed to a remote viewing system to enable viewing of digital images of remote locations, and includes a central office video management system (COVMS). The COVMS receives and decodes images from the wireless network 14 from all cell cites 60 and 62 and related camera elements 12, and then sends the resulting images to the server 18 so that the computers 22 can access the images over the network. See Acosta, col. 12, lines 57-64. Acosta does not disclose or suggest a (1) second output device which outputs advertisement and (2) insertion of advertisement from a second output device into an image output from the first output device vis-à-vis a switching operation between the first and second output devices. This is generally acknowledged by the Examiner. See Office Action, page 3. The Examiner, however, asserts that the above deficiencies are taught by Logan.

Logan is directed to a program and message distribution system which employs an alleged insertion technique which is simply different than the claimed insertion vis-à-vis a

switching operation between the outputs of a first and second output device. In Logan, a client downloads a schedule (e.g., schedule table 307) defining a program as well as associated programming, announcement and advertisement segments, and a player of the client plays the program by playing back the segments according to the schedule. See Col. 26, lines 17-41. In various embodiments, advertising segments may be “inserted” (as the term is used in Logan) into a program by updating the schedule (e.g., playlist) so that the program may be played back with the advertisement segments by a player at the client. See Col. 24, lines 35-51 and Col. 25, line 64 to Col. 26, line 16. Accordingly, Logan does not disclose or suggest the claimed insertion of advertisement from a second output device into an image output from the first output device vis-à-vis a switching operation between the first and second output devices.

Further, even assuming that the references can be combined, there is nothing in either Acosta or Logan to suggest modification of the alleged switching operations of the COVMS (of Acosta) to perform the claimed insertion using a switching operation. For example, as discussed above, the COVMS of Acosta simply gathers images from remote cameras and sends them to a web server for distribution to image requesting computers (e.g., computers 22). Logan simply discusses modification of a schedule of a program (e.g., playlist) so that the program may be played back with the advertisement segments by a player at the client. Thus, one of ordinary skill in the art would not combine the references in the manner suggested by the Examiner absent impermissible hindsight.

In view of the foregoing, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination. For similar reasons,

claims 13, 28 and 43 and their dependent claims are also believed to be distinguishable over the cited references, individually or in combination.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-50 and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4480. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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